FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

C.A.NO.1099 OF 2007 IN F.A.ST.NO.3530 OF 2007

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| OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS. | COURT'S OR JUDGES ORDERS |
|---|---|

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Mr. Prashant Chavan i/by Navdeep Vora & Associates for the Applicant.

Mr.R.R.Salvi for the Respondent No.1.

Mr.S.N.Gawade, AGP. for the Respondents 2 & 3.

**CORAM : A.S.OKA, J.**
**DATE : SEPTEMBER 12, 2007.**

**P.C.**

1. Heard learned counsel appearing for the parties. This is an application for condonation of delay. In view of the averments made in the application for condonation of delay, sufficient cause is made out. Rule is made absolute in terms of prayer clause (a).

(A.S. OKA, J.)

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Mr.S.N.Gawade,AGP. for the Respondents 2 & 3.

**CORAM : A.S.OKA, J.**
**DATE : SEPTEMBER 12, 2007.**

**P.C.**

1. Admit. Printing is dispensed with.

2. Time of eight weeks is granted to remove all office objections. If all the office objections are not removed within the stipulated time, the Appeal will stand dismissed for want of prosecution without further reference to the Court.

3. Private paperbook along with Decree Form shall be filed by the Appellant within a period of one year from today. If compliance is not made within stipulated time, the Appeal shall stand dismissed for want of prosecution without further reference to the Court.

(A.S. OKA, J.)

FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

C.A.NO.1100 OF 2007 IN F.A.ST.NO.3530 OF 2007

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Mr. Prashant Chavan i/by Navdeep Vora & Associates for the Applicant.

Mr. R.R.Salvi for the Respondent No.1.

Mr.S.N.Gawade,AGP. for the Respondents 2 & 3.

**CORAM : A.S. OKA, J.**
**DATE : SEPTEMBER 12, 2007.**

**P.C.**

1. Heard learned counsel appearing for the parties. It is not in dispute that the applicant has complied with ad interim order dated 23rd February, 2007 by depositing the requisite amount in the Trial Court. In view of the deposit of the amount, ad interim relief granted earlier deserves to be confirmed.

2. Considering the nature of the impugned Judgment and Award, the original claimants will have to be permitted to withdraw the amount deposited by the applicant subject to furnishing security to the satisfaction of the Trial Court.

3. Hence, Civil Application is disposed of by passing the following order.

ORDER

a) Rule is made absolute in terms of prayer clause (a).

b) It will be open for the claimants to withdraw the amount deposited by the applicant subject to furnishing adequate security to the satisfaction of the Trial Court. If such application is made for withdrawal, the Trial Court will hear the applicant before accepting the security.

c) If the amount deposited by the applicant is not withdrawn by the original claimants by furnishing security within a period of five months from today, the Trial Court will invest the said amount in fixed deposit in any Nationalised bank and the fixed deposit shall be renewed from time to time till the disposal of the appeal.

d) There will be no order as to costs.

e) Parties to act on a copy of this order duly

authenticated by the registry of this court.

**(A.S. OKA, J.)**